



POLICE DEPARTMENT

-----X  
In the Matter of the Disciplinary Proceedings :  
- against - : FINAL  
Police Officer Qebhsenuf Ankhamun : ORDER  
Tax Registry No. 944163 : OF  
Manhattan Court Section : DISMISSAL  
-----X

Police Officer Qebhsenuf Ankhamun, Tax Registry No. 944163, Shield No. 28492, Social Security No. ending in [REDACTED] having been served with written notice, has been tried on written Charges and Specifications numbered 2015-13842, as set forth on form P.D. 468-121, dated September 2, 2016, and after a review of the entire record, Respondent, is found Guilty of Specification Nos. 1, 2, 3 and 5, with Specification 4 having been dismissed on motion of the Department.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Qebhsenuf Ankhamun from the Police Service of the City of New York.

  
JAMES P. O'NEILL  
POLICE COMMISSIONER

EFFECTIVE: November 3, 2017

COURTESY • PROFESSIONALISM • RESPECT





POLICE DEPARTMENT

September 13, 2017

-----X  
In the Matter of the Charges and Specifications : Case No.  
- against - : 2015-13842  
Police Officer Qebahsenuf Ankhamun :  
Tax Registry No. 944163 :  
Manhattan Court Section :  
-----X

At: Police Headquarters  
One Police Plaza  
New York, New York 10038

Before: Honorable Paul M. Gamble  
Assistant Deputy Commissioner Trials

APPEARANCE:

~~For the Department:~~

Daniel Maurer, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent:

Craig Hayes, Esq.  
Worth, Longworth & London, LLP  
111 John Street – Suite 640  
New York, NY 10038

To:

HONORABLE JAMES P. O'NEILL  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NEW YORK 10038

COURTESY • PROFESSIONALISM • RESPECT



**Charges and Specifications:**

1. On or about June 19, 2015, Police Officer Qebahsenuf Ankhamun, assigned to the Central Park Precinct, while off-duty and in the confines of the [REDACTED] Precinct, [REDACTED], wrongfully engaged in a physical altercation with Dililah Troche.  
P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS
2. On or about June 19, 2015, Police Officer Qebahsenuf Ankhamun, while assigned to the Central Park Precinct and off-duty in the confines of the [REDACTED] Precinct [REDACTED], failed to request the response of the Patrol Supervisor, precinct of occurrence, after having engaged in a physical altercation with Dililah Troche.  
(*As amended*)  
P.G. 212-32 – OFF DUTY INCIDENTS INVOLVING  
UNIFORMED MEMBERS OF THE SERVICE
3. Police Officer Qebahsenuf Ankhamun, on or about January 7, 2016, and March 29, 2016, made false statements during an official Department interview conducted pursuant to Patrol Guide Section 206-13 when questioned about his involvement in an incident that occurred on June 19, 2015, and the details, circumstances and events surrounding that incident. (*As amended*)  
P.G. 203-08 – MAKING FALSE STATEMENTS
4. Police Officer Qebahsenuf Ankhamun, on or about January 7, 2016, and March 29, 2016, impeded a Department investigation in that he made false and/or misleading statements during an official Department interview when questioned about his involvement in an incident that occurred on June 19, 2015, and the details, circumstances and events surrounding that incident, that caused additional and/or extraordinary Investigatory steps to be taken. (*Dismissed*)  
P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS
5. Police Officer Qebahsenuf Ankhamun, on or about January 7, 2016, and March 29, 2016, made misleading statements during an official Department interview conducted pursuant to Patrol Guide Section 206-13 when questioned about his involvement in an incident that occurred on June 19, 2015, and the details, circumstances and events surrounding that Incident. (*As amended*)  
P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS

**REPORT AND RECOMMENDATION**

The above-named member of the Department appeared before me on June 9 and 12, 2017. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Dililah Troche, Sergeant Michael Ball, Felix Troche and Jorge Diaz as witnesses. Respondent testified on his own behalf. A stenographic



transcript of the trial record has been prepared and is available for the Police Commissioner's review.

### DECISION

After reviewing the evidence presented at the hearing, and assessing the credibility of the witnesses, I find Respondent Guilty of the charged misconduct.

### FINDINGS AND ANALYSIS

The following is a summary of the facts which are not in dispute. On June 19, 2015, Dililah Troche was at [REDACTED], Bronx County, babysitting Minor A.<sup>1</sup>, a [REDACTED] year old. Minor A. is the daughter of Person 1, Dililah's [REDACTED] [REDACTED] is Respondent's former residence, where he shared a four-bedroom apartment with Person 1, [REDACTED] (T. 122-123).

Respondent had an intimate relationship with Person 1 which predated her pregnancy with Minor A. and which continued during the time she and Respondent lived at [REDACTED] (T. 123). On the date of the incident, Dililah was [REDACTED] years old (T. 13).

On June 19<sup>th</sup>, Dililah had agreed with Person 1 to babysit Minor A. from 1000 hours until 1500 hours (T. 16). According to their understanding, Respondent was supposed to pick up Minor A. at 1500 hours (*Id.*). Dililah and Person 1 agreed that she would be paid \$25 for her babysitting services (*Id.*). Dililah assumed her duties at 1000 hours and performed them as previously arranged. At 1500 hours, Respondent had not arrived to relieve Dililah, so she continued babysitting Minor A. (T. 17). At approximately 1545 hours, Respondent arrived at [REDACTED] accompanied by [REDACTED] (*Id.*).

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<sup>1</sup> The minor child will be referred to by the initials "Minor A." throughout this memorandum. The child's given name appears in the record of trial.

Telephone records established that three telephone calls were made from a telephone number which Respondent conceded was his. The telephone number belonged to Felix Troche, Dililah's father (T. 136; Dept. Ex. 1-1, et seq.). The calls all originated from Respondent's phone and were placed at 1540 hours, 1548 hours and 1722 hours (T. 60).

On June 20, 2015, Dililah made a complaint at the [REDACTED] Precinct in which she alleged that Respondent had assaulted her inside [REDACTED] on June 19, 2015 (T. 29; Dept. Ex. 2). Dililah was later contacted by the Office of the [REDACTED] County District Attorney to schedule follow-up interviews but she never met with any representatives of that office (T. 47). Dililah testified that she refused to go forward with the case because it caused conflict between her and Person 1 (*Id.*). Dililah also testified that she believed that Respondent would be given preferential treatment based upon his status as a police officer (*Id.*). Neither Dililah, her father nor any of the neighbors who witnessed the incident called 911 (T. 39).

As a result of Dililah's complaint, Respondent was questioned by Sergeant Michael Ball, pursuant to Patrol Guide 206-13, in official Department interviews, on January 7, 2016, and March 29, 2016. Respondent's interviews were recorded and transcribed (Dept. Ex. 4, 5). Under official questioning, Respondent provided responses to inquiries concerning his relationships with Dililah, Felix, Minor A. and Person 1. Respondent also provided responses to questions concerning allegations Dililah made in her June 20, 2015, complaint.

The following is a summary of the facts which are in dispute. Dililah testified that at approximately 1545 hours on June 19, 2015, Respondent came to Apartment [REDACTED] at



[REDACTED] (T. 17, 19). Dililah told Respondent that she was upset that he was late, then demanded \$15 as an additional fee for babysitting Minor A. past the agreed upon time (T. 19). According to Dililah, in the event that Respondent was ever late picking up Minor A., her agreement with Person 1 was that Respondent would pay an additional fee (T. 18). Dililah testified that when Respondent refused to pay her, she said that she would call her father (T. 21).

Respondent then began cursing at her, including calling her a bitch. Dililah cursed back at Respondent until he placed his hands on her neck and chest, then pushed her into a wooden table in the kitchen. Dililah fell to the ground and Respondent got on top of her. Dililah kicked and scratched Respondent, who responded by kicking her several times. One of Respondent's children grabbed at him, which gave Dililah an opportunity to get up from the floor. As she came to her feet, Respondent pulled Dililah to the back door and pushed her out of the apartment, after which he threw her belongings out the door (T. 19-21, 28). During the altercation, Dililah told Respondent that she was going to call the police, to which he replied, "I'm a cop; go ahead" (T. 29).

Dililah testified that as a result of the confrontation with Respondent, she suffered a cut to her left shoulder; bruises on her back and legs; and pain caused by pressure put on a cyst on her stomach (T. 22).

Once she was outside the apartment, Dililah discovered that her mobile phone was inoperable, as it had been damaged as a result of Respondent throwing it (T. 28). Dililah borrowed a mobile phone from someone who was standing outside and called Felix, telling him, "Louis put his hands on me" (T. 25). According to Dililah, Felix replied, "Hold on, Louis is calling me right now," then he placed her on hold. While she



was on hold, Dililah placed a call to her stepmother and advised her of the altercation with Respondent. Dililah's stepmother stated that she would call Felix but Dililah replied, "He's already on a call with me and Louis" (*Id.*).

When Felix eventually returned to the call with Dililah, he asked her what had happened and why Louis would have put his hands on her. Dililah responded, "Dad, I don't know. He just started calling me a bitch; I started arguing with him once he said bitch to me and I started cursing him back out." Felix then asked Dililah why she didn't leave the house and she replied, "Because he was supposed to give me \$15. He was late. I didn't – like, it's not fair. So I told him I was going to call you and then he started putting his hands on me." Felix then told Dililah that he was on the way and would arrive shortly. According to Dililah, Felix reported that Respondent called him three times while she was on the phone with him (T. 26).

Dililah saw Felix arrive at [REDACTED] by car, accompanied by Jorge Diaz, [REDACTED]. Felix approached Dililah and asked her, "Show me where it hurts; what did he do? Tell me how he did it." Respondent came from the rear of the location and ran up the driveway to Felix, stating, "I never touched her; I didn't touch her." Felix told Dililah not to speak to Respondent and to get into Diaz' car. Dililah hesitated until Diaz walked over to her and said, "Get in the car. Don't argue with him: he's a cop. You don't want this to turn into something and then you're going to jail because you fought back." After Dililah entered Diaz' car, she heard Respondent declaring, "Oh, I never touched her; I don't know how she got that mark." Dililah, who was crying, shouted from the car, "Louis, you never put your hands on me? You're lying" (T. 27).

Dililah conceded that she did not seek medical attention after the incident, although she asserted that Felix exhorted her to go to the hospital (T. 34-35). Dililah testified that Felix, as well as a police officer at the [REDACTED] Precinct, had taken photographs of the injuries but that she had no idea where the photographs were (T. 36-37, 45-46). Dililah testified further that her father once admitted that he was not fond of Respondent (T. 44).

Sergeant Michael Ball testified that he was assigned to investigate the complaint Dililah filed on June 20, 2015, at the [REDACTED] Precinct. During the conduct of the investigation, he interviewed Person 1, [REDACTED] (T. 55). Person 1 asserted that on June 19, 2015, she had made arrangements with Dililah to babysit Minor A. (*Id.*). That same day, Person 1 had a conversation with Dililah in which Dililah expressed concern that Respondent had not arrived as scheduled to pick up Minor A., and that Dililah was looking for additional compensation for her time (*Id.*). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sergeant Ball obtained Respondent's telephone records corresponding to his cellular telephone account (T. 57; Department Ex. 1-1 through 1-35). An examination of the records pertaining to the incoming and outgoing calls on June 19, 2015, revealed that three calls were placed from Respondent's cellular telephone to a telephone number



belonging to Felix Troche at 1540, 1548 and 1722 hours (T. 60; Department Ex. 1-1 *et seq.*).

Sergeant Ball conducted two interviews of Respondent, pursuant to Patrol Guide Procedures 206-13 and 203-08, on January 7, 2016 and March 29, 2016 (T. 65; Department Ex. 3, 4). In both interviews, Respondent asserted that on June 19, 2015, he went to [REDACTED] to retrieve personal property from the premises, as he had recently moved to another residence. He was accompanied by his two minor children. While he was at the location, Respondent stated that he heard voices inside the apartment, even specifying that he heard Minor A.'s voice, but that he had no interactions with anyone while he was there (T. 70-71). Respondent asserted that he knew Dililah but denied any knowledge of her babysitting Minor A. (T. 71-72). When Sergeant Ball confronted Respondent with Dililah's allegations, Respondent denied engaging in any altercation with her, as he claimed that he never saw her that day (T. 72). Sergeant Ball challenged Respondent with Dililah's allegations that he grabbed, pushed, struck and kicked her;

Respondent denied each allegation (T. 72-73). Respondent also denied preventing Dililah from getting off the floor and forcibly removing her from the apartment (T. 73).

In the January 7, 2016, interview, Sergeant Ball asked Respondent whether he had met Felix on June 19, 2015. Respondent asserted that he did not encounter Felix on that date and could not remember speaking to him on the telephone (T. 73). In the March 29, 2016, interview, Sergeant Ball confronted Respondent with the telephone records establishing that his telephone had called Felix' telephone several times on June 19<sup>th</sup>, including one call of seven minutes duration; Respondent continued to deny any



recollection of the content of any such calls but conceded the accuracy of the records (T. 74-75).

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] (*Id.*).

Finally, Sergeant Ball went to the area [REDACTED] to canvass for witnesses who had observed the alleged assault. According to Sergeant Ball, no one was willing to speak with him regarding the incident (T. 77).

Felix Troche testified that he is Dililah Troche's father (T. 98). Felix described Respondent [REDACTED] who was dating [REDACTED], Person 1 (T. 97). On June 19, 2015, Felix was riding as a passenger in Jorge Diaz' car when received a telephone call from Dililah in which she told him that she was babysitting Minor A., and wondered when Respondent would arrive to take care of her (T. 98, 101, 115). Felix ended the telephone call and contacted Respondent, asking him what time he intended to pick up his daughter (T. 99). According to Felix, Respondent said that he would pick her up in about 30 minutes; Felix said that he would pass the information to Dililah (*Id.*).

Sometime thereafter, Felix received another call from Dililah in which she stated, "Daddy, Louis hit me, he pushed me on the ground, he kicked me, he punched me, he smacked me" (*Id.*). As Felix was on the same call with Dililah, Respondent called his telephone (T. 100). Felix took the call and Respondent told him, "You might hear that I hit your daughter, that I hit her and punched her; I did none of that. I don't know what







Felix received a call from his daughter Dililah on his mobile phone, which he put in speaker mode (T. 114). Diaz heard a voice, which he recognized as Dililah's, sounding hysterical, saying that she was being attacked and needed her father there (*Id.*). Felix and Diaz drove to [REDACTED] where he saw Dililah standing outside the residence pacing (T. 115). Diaz testified that she seemed hysterical. Diaz further observed that her blouse appeared disheveled and torn (*Id.*). Diaz noticed that Dililah had bruises and redness on her chest and back (*Id.*).

Diaz saw Respondent emerge from the residence and walk up to Felix. According to Diaz, Respondent told him that he had not put his hands on her and that he had to retrain her (T. 116).

Respondent testified that on June 19, 2015, he had already moved out of the apartment at [REDACTED] (T. 125). On that date, Person 1, [REDACTED] their respective children still resided there (T. 125-126). Respondent went to the location that afternoon with his two children to pick up personal items he had stored in the basement of the building (T. 126, 131-132). Respondent testified that while he was there that day, he did not see or have any interactions with Dililah; Respondent specifically denied assaulting her (T. 127). On June 20, 2015, Respondent was notified by a supervisor from the [REDACTED] Precinct to report there [REDACTED] [REDACTED] (T. 128-129). [REDACTED]

[REDACTED]



On cross examination, Respondent asserted that while he heard Minor A.'s voice inside the apartment on June 19, 2015, he never went to speak to her (T. 131).

Respondent denied being present at the location when Felix and Diaz arrived; he asserted that he never saw them (T. 132-133).

[REDACTED]

Respondent conceded the accuracy of the telephone records in evidence but continued to assert that he had no recollection of the contents of the calls to Felix' number reflected therein (T. 137). Respondent asserted that it was mere coincidence that a call lasting seven minutes and fifty-one seconds, was made from his phone at 1548 hours, the approximate time of the incident (T. 137). Finally, Respondent asserted that Person 1' statement to Sergeant Ball that he provided \$400.00 per month in child support was false (T. 140).

Few things are more difficult, yet more fundamental to the role of a trier of fact, than attempting to reconstruct past events on the basis of opposing accounts. Factors such as corroboration, consistency, bias, logic and the degree to which an account



comports with common sense and general human experience must be taken into account (*Maloney v. Suardy*, 202 A.D.2d 297, 609 N.Y.S.2d 179 [1<sup>st</sup> Dep't 1994]).

In this case, untangling the truth from the record is particularly challenging because Respondent and Dililah have a complicated relationship. [REDACTED]

[REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED]. Dililah testified that reporting the incident to the police caused an estrangement with Person 1 which lasted until shortly before she testified before this Tribunal. Second, Dililah refused to cooperate with the District Attorney's investigation of the case, in part because she believed that Respondent would be given preferential treatment and that her veracity would be scrutinized unfairly.

I find Dililah Troche a credible witness whose testimony on material matters was corroborated by Felix Troche's testimony, telephone records and Respondent's admissions. I find her statement to Felix that Respondent had struck her, made over the telephone shortly after the altercation with Respondent, as well as the statement she made to him upon his arrival at [REDACTED], to be statements which are more likely than not true, given their making under circumstances consistent with excited utterances made in close temporal proximity to a startling event. In addition, both statements corroborate the material elements of Dililah's complaint that Respondent had struck her and enhance her veracity.

I further find Felix Troche and Jorge Diaz to be credible witnesses, despite their prior relationships with Respondent. I take note of Felix' admission to Delilah that he did



not care for Respondent; while I find it to be a candid statement I do not find him to possess sufficient bias against Respondent that he would be likely to shade the truth. There was no evidence that their respective relationships with Respondent were anything but cordial. Felix' apparent reluctance to confront Respondent more forcefully at the scene of the alleged incident, rather than undermining his veracity, actually enhanced it, as his forbearance was consistent with that of someone who chose to give Respondent, whom he described as a member of his extended family, the benefit of the doubt, at least initially. While Felix and Diaz could be expected to be somewhat biased in favor of Dililah based upon their familial relationship, their testimonies were so brief and specific that any such bias was not apparent from the trial record.

In contrast, I find Respondent to be an unreliable witness, based upon his own admissions, couched as false exculpatory statements, made at the scene of the altercation; his persistent denial of easily verifiable facts; and his interest in the outcome of this case.

In the face of the credible testimony of three witnesses, Respondent's denials that he even saw Delilah or Felix on June 19, 2015 are simply not credible. While it is true that only Respondent and Delilah witnessed the altercation, the credible testimony of three witnesses to his outburst, "I never laid a hand on her; I just had to restrain her because she was getting mouthy," makes it more likely than not that there was a physical altercation as Delilah described it.

Respondent's persistent assertion that he did not recollect the substance of a series of telephone conversations with him is implausible. The credible evidence in the record shows that he sought to pre-emptively deny that he had assaulted Dililah over the



telephone and in person. Such conversations were of such character that a reasonable person would have remembered having them long after the actual event.

Finally, the aforementioned pre-emptive denials, under the circumstances presented in this case, are evidence of Respondent's consciousness of guilt.

*Engaging in a Physical Altercation*

I find, based upon a preponderance of the relevant, credible evidence in the case that Respondent engaged in a physical altercation with Dililah Troche on June 19, 2015, inside [REDACTED] Dililah's assertion that Respondent had grabbed her was supported by bruising on her chest and back, observed by Felix and Diaz. The same physical injuries were observed by Sergeant Carricato the next day at the [REDACTED] Precinct and noted in the complaint. Dililah's factual assertions are further corroborated by Respondent's admission to Felix that he had to "restrain" her. Moreover, the fallacy of Respondent asserting that he never put his hands on Dililah while admitting that he had to restrain her is evidence of Respondent's consciousness that he had committed misconduct.

Accordingly, I find Respondent Guilty of Specification 1.

*Failure to Notify a Patrol Supervisor*

Patrol Guide 212-32 requires all off duty Uniformed Members of the Service, when at the scene of an unusual occurrence, and where the UMOS is a participant or a witness, to remain at the scene and to request the response of the Patrol Supervisor in the precinct of occurrence (P.G. 212-32). The Patrol Guide clarifies the term "unusual occurrence" as including "family disputes or other incidents of domestic violence" (*Id.*).

In this case, a preponderance of the credible, relevant evidence shows that Respondent was involved in an altercation with Dililah Troche where, at minimum, he had to restrain her and, at worst, assaulted her. Respondent has advanced no credible explanation for his failure to notify a Patrol Supervisor other than to deny the incident actually occurred.

Accordingly, I find Respondent Guilty of Specification 2.

*False Statements*

Patrol Guide Section 203-08 prohibits Members of the Service from intentionally making a false statement. In his Department interviews on January 7, 2016, and March 29, 2016, Respondent asserted that he did not see Dililah Troche on June 19, 2015. Respondent further asserted that he did not speak to anyone inside [REDACTED] on June 19, 2015.

In his January 19, 2016, Department interview, Respondent provided the following answers to questions posed by Sergeant Ball:

SGT. BALL: All right. Okay. Do you deny Ms. Troche being in the apartment when you got there?

OFC. ANKHAMUN: I don't deny it because the doors were closed so I didn't know if she was there or not

SGT. BALL: Okay. Did you have any interaction with Miss Dililah Troche?

OFC. ANKHAMUN: Of that day, the day in question?

SGT. BALL: Yes.

OFC. ANKHAMUN: No.

SGT. BALL: On any other day?

OFC. ANKHAMUN: Yes.



(Department Ex. 4[a]. p. 18, lines 8-18).

Respondent was re-interviewed on March 29, 2016 (Department Ex. 5[a]). He was asked whether he wanted to change any of the statements he made in his previous Department interview and he stated that he did not. Respondent was questioned again about the events of June 19, 2015, and he conceded that he went into the apartment through the kitchen with his children and heard noises coming from inside two bedrooms he passed before going downstairs to the basement another area of the apartment (*Id.* at 16, lines 14-22; 17, lines 1-5). Respondent was then asked the following questions and gave the following answers:

SGT. BALL:            Okay. And no one – you didn't see anybody?

OFC. ANKHAMUN: No, uh-uh (negative).

SGT. BALL:            And you left?

OFC. ANKHAMUN: Uh-huh (affirmative).

SGT. BALL:            With no incident?

OFC. ANKHAMUN: For no incident. That's correct.

SGT. BALL:            Okay. What about –

OFC. ANKHAMUN: That I can – that I can recall, right.

SGT. BALL:            That you can recall?

OFC. ANKHAMUN: Right.

SGT. BALL:            Well, do you recall being in an altercation with Delilah Troche?

OFC. ANKHAMUN: No. When I read – when I read those charges and stuff that said I – no. Uh-uh (negative).

(*Id.* at 17, lines 6-19).

In order for Respondent's factual assertions to violate the Patrol Guide, they must not only be false but must also be material to the incident under investigation (*see People v. Stanard*, 42 N.Y.2d 74, 80 [1977]). Based upon my finding that Respondent engaged in a physical altercation with Dililah Troche on June 19<sup>th</sup>, I find that he made both of the aforementioned false statements, knowing at the time he made them that they were untrue. The clear import of his statements was to establish that he had no knowledge of whether Delilah Troche was in the apartment on June 19<sup>th</sup>, because he did not see her.

In his January 19, 2016, interview, when asked if he interacted with Dililah Troche, Respondent made sure to clarify which date Sergeant Ball was referring to. There is no reasonable argument that Respondent may have been confused about the dates because he admitted to seeing her on another occasion at a party. This request for precision suggests strongly that Respondent understood the importance of his response, which is further evidence of his state of mind at the time he made the false statement. Respondent was certainly aware on January 19, 2016, that the criminal case against him had been terminated. While it would be speculative to opine on what Respondent may have learned about the reason the case was terminated, it is reasonable to infer that he believed that his statements would not be challenged by Dililah Troche. Respondent then provided a false answer which, if believed, would mean that she had fabricated her entire complaint against him.

In his second Department interview, Respondent was asked whether he wished to amend any of his previous answers and he declined to do so. After affirming his earlier statement, he then compounded the falsehoods contained therein by providing additional detail about his movements as he entered the apartment, maintaining his earlier position



that he did not see or speak to anyone inside. Respondent affirmed that he heard voices inside the bedrooms but remained steadfast that he did not engage anyone on the premises. When asked again whether he was asserting that there had been no altercation with Dililah Troche, Respondent shifted his position slightly by asserting "That I can – that I can recall . . ." This attempt at equivocation is itself a false statement, as it is not credible that Respondent would have had an altercation with Dililah Troche and forgotten it.

Respondent has taken the position that he did nothing more in his two interviews than deny the allegations against him. I find that the Department has proven by a preponderance of the evidence that Respondent's statements went far beyond a simple denial and instead offered an alternative factual narrative which he knew to be untrue at the time he made the statements.

Accordingly, I find Respondent Guilty of Specification 3.

*Misleading Statements*

In his Department interviews on January 7, 2016 and March 29, 2016, Respondent asserted that while he knew Dililah Troche from seeing her at family gatherings, he had no knowledge of Dililah ever babysitting Minor A. or of any other babysitting arrangements for Minor A. I find that based upon Dililah's credible testimony, as well as the hearsay statement of Person 1 entered into evidence through Sergeant Ball's testimony, that Respondent's assertion was misleading and intended to cast doubt upon Dililah's veracity.

Similarly, in the January 7, 2016 and March 29, 2016, interviews, Respondent asserted that he did not recall speaking with Felix, over the telephone and in person on

June 19, 2015. After being confronted with telephone records of call from his telephone to Felix' telephone, Respondent conceded that the conversations must have occurred but persisted in his denial that he did not recall having them.

I find, based upon the credible testimonies of Dililah Troche, Felix Troche and Jorge Diaz; and the telephone records in evidence as Department Exhibits 1-1 through 1-35, that Respondent did speak with Felix Troche on June 19<sup>th</sup>, in person and by telephone.

I find that he made these misleading statements in the hope of casting doubt upon the veracity of Felix Troche and further doubt upon the veracity of Dililah Troche. I find that a secondary motivation was attempt to distance himself from telephone record evidence which he believed to be incriminating.

Finally, I find Respondent's denial of Minor A.'s paternity dubious but I further find that the denial was not material to the matter under investigation. Respondent asserted that he did not believe that he was Minor A.'s father because Person I was married at the time she gave birth. If Respondent is Minor A.'s father, it would make his refusal to compensate Dililah Troche evidence of a parsimonious nature; it would not, however, make it more or less likely that he assaulted Ms. Troche.

Accordingly, I find Respondent Guilty of Specification 5.

### **PENALTY RECOMMENDATION**

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on January 23, 2007. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.



The Department has requested that Respondent be dismissed from his employment. Based upon the record before me, I concur in that request.

The evidence shows that Respondent displayed a lack of forbearance in a verbal confrontation with a [REDACTED] babysitter which he escalated into a physical altercation. This alone is egregious misconduct. Almost six months after the incident, having had an opportunity to reflect upon the importance of being truthful in a Department interview, while represented by counsel and in the presence of a delegate, he initiated a pattern of denial and deception which he maintained through his trial before this Tribunal. Even with respect to matters which were not material to the findings of guilt in this case, Respondent minimized and mischaracterized easily verifiable factual assertions for his own benefit. Going forward, it is difficult to envision a scenario where his word can ever be taken at face value while performing official police duties.

The penalty of dismissal is consistent with Department precedent for Respondents found guilty of making false statements during an official investigation (*Disciplinary Case No. 2015-13279* [July 13, 2017][Twelve-year police officer with no disciplinary history is dismissed from the Department for wrongfully failing to prepare a Property Clerk invoice and safeguard property; wrongfully activating a found pre-paid debit card and making purchases of \$150; making a false entry in the business records of the debit card issuer; making a false entry in the business records of the NYPD; and making false and misleading statements about the use of the card during her Department interview]; *Disciplinary Case. No. 2015-12864* [November 16, 2016][Thirteen-year detective with no prior disciplinary history is dismissed from the Department for (i) wrongfully pursuing a vehicle with several others during a motorcycle rally, resulting in the assault of the

operator of said vehicle; (ii) failing to take police action in that he failed to intervene or prevent an assault and/or failed to call 911; (iii) failing to notify the Internal Affairs Bureau after having been made aware of an allegation of corruption or other misconduct against other MOS; (iv) improperly covering the license plate on his motorcycle; and (v) giving false and misleading statements to the Manhattan District Attorney's office during an investigation. Respondent's continuous inability to be truthful regarding his knowledge about criminal activity made clear that he did not have the judgment and character needed to serve the public as a UMOS. Respondent's self-serving dishonesty, and refusal to provide aid, is a detriment to the Department and could not be tolerated]; *Disciplinary Case No. 2010-3367* [Feb. 25, 2013][Five-year officer with no disciplinary history was dismissed from the Department for using a fraudulent credit card he received from his cousin, a known criminal, to purchase a television, and then lying about his conduct in his Department interview])

The penalty of dismissal is consistent with Department precedent for Respondents found guilty of making misleading statements during an official Department investigation (*Disciplinary Cases No. 2015-13794 & 2015-13805* [January 3, 2017][Six-year police officer, with no disciplinary record, dismissed from the Department for (i) asking to see and touch the breasts of a prisoner; (ii) on a separate date, sending sexually explicit text messages to said individual and (iii) knowingly associating with said person who had engaged in criminal activity.).

The note accompanying Patrol Guide Section 203-08 reads, in pertinent part:


*The intentional making of a false official statement is prohibited, and will be subject to disciplinary action, up to and including dismissal. Intentionally making a false official statement regarding a material matter will result in dismissal from the Department, absent exceptional circumstances. Exceptional circumstances will be determined by the Police Commissioner on a case by case basis. (Italics in original).*



Based upon my review of the record, I find no exceptional circumstances which would mitigate the penalty of dismissal. Respondent's stunning lack of judgment in initiating a physical confrontation over a disputed babysitting fee, concocting a false scenario to avoid responsibility for his actions and persisting in that falsehood, despite several opportunities to provide a true account, render him unfit for continued service as a New York City Police Officer.

Accordingly, I recommend that Respondent be DISMISSED from this Department.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'Paul M. Gamble', written over a horizontal line.

Paul M. Gamble  
Assistant Deputy Commissioner Trials

**APPROVED**

NOV 03 2017  
  
JAMES P. O'NEILL  
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER QEBEHSENUF ANKHAMUN  
TAX REGISTRY NO. 944163  
DISCIPLINARY CASE NO. 2015-13842

Respondent was appointed to the Department on January 23, 2007.

On his last three annual performance evaluations, Respondent received two overall ratings of 3.0 ("Competent") for 2016 and 2015, and one overall rating of 3.5 ("Highly Competent/Competent") for 2014.

From June 20, 2015, to July 22, 2015, Respondent was suspended from duty in connection with the instant case. On January 21, 2016, Respondent was placed on Level 2 Disciplinary Monitoring; that monitoring remains ongoing.

Respondent has no prior formal disciplinary history.

For your consideration.

Paul M. Gamble  
Assistant Deputy Commissioner Trials